



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,011	12/21/2001	Kailai Chen	NY-WARP 208.1-US	9494
24972	7590	02/01/2005	EXAMINER	
FULBRIGHT & JAWORSKI, LLP			SHAH, KAMINI S	
666 FIFTH AVE			ART UNIT	
NEW YORK, NY 10103-3198			PAPER NUMBER	

2142

DATE MAILED: 02/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/026,011

Applicant(s)

CHEN, KAILAI

Examiner

Kamini S Shah

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A. SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/16/02.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by San Andres (hereinafter Andres) et al. 5,956,489.

3. Regarding claimed invention, Andres discloses a transaction replication system and method for supporting replicated transaction for a plurality of servers 120. Andres discloses the invention as claimed. Taking claim 1 as an exemplary claim, Andres discloses a method for intelligently updating content in a server cluster having a plurality of servers 120 to provide consistent data, comprising the steps of:

(a) storing pre-existing content on a sensor that is being updated in a temporary location (such as Arbiter that includes a transaction replication feature which allows services to rapidly and efficiently replicate transactions across the application servers of their respective service groups, services uses this feature to perform updates to replicated copies of service content data, see col. 2, lines 40-col. 3, lines 1-44);

(b) updating said server with said content (such as server/service generates an update transaction to the Arbiter on col.3, lines 25-44);

(c) inhibiting said server from accepting requests for said content and redirecting requests for said content in said server to said temporary location (such as service-

Art Unit: 2142

group-specific transaction log stored on the hard disk of the associated Arbiter microcomputer, see col.3, lines 25-44 and col. 6, lines 8-31);

(d) repeating steps (a) and (c) until each server is updated (such as the application servers process the update transaction and returns status code see col.3, lines 24-44 and col. 6, lines 8-31);

(e) determining if said content has been successfully updated on each server (such as the application server process the update transaction, and return status codes indication, on col.3, lines 35-38 and col. 6 lines 8-31);

(f) storing said pre-existing content in a staging server and enabling said server to accept requests for said content if it is determined that said content has been successfully updated (such as server side of each on-line service is preferably implemented using one of the following: (1) a single application server 120, (2) a set of "replicated" application servers (i.e., application servers which run the same service application or applications) that provide access to replicated (and locally-stored) copies of service "content" data (i.e., data provided to end user's of the service, col. 6, lines 22-31); and

(g) restoring said pre-existing content to each sensor and enabling said server to accept requests for said pre-existing content if it is determined that said

content has not been successfully updated (such as server side of each on-line service is preferably implemented using one of the following: (1) a single application server 120, (2) a set of "replicated" application servers (i.e., application servers which run the same service application or applications) that provide access to replicated (and locally-stored) copies of service "content" data (i.e., data provided to end user's of the service, or (3) set of replicated application servers that provide access to server-specific (non-replicated) service content data, see col. 6, lines 22-31).

As per claim 2, Andres discloses the method of claim 1, wherein said content is a file or directory (see col. 15, lines 27-35).

Art Unit: 2142

As per claim 3, Andres discloses the method of claim 1, wherein said content is a group of files or directories (see col. 15, lines 27-35).

As per claim 4, Andres discloses the method of claim 3, wherein said content is an atomic content; and wherein the step (d) determines if said group of files or directories have been successfully updated (see col. 2, lines 33 to col. 3, lines 44).

As per claim 5, Andres discloses the method of claim 3, wherein said content is a non-atomic content; and wherein the step (d) determines for each file or directory if said each file or directory has been successfully updated (see col. 2, lines 33 to col. 3, lines 44).

As per claim 6, Andres discloses the method of claim 1, wherein said content represents file or directory to be removed from said server; and wherein the step (b) deletes said content from said server (see col. 9, lines 53- col. lines 1-40).

As per claim 7, Andres discloses the method of claim 1, wherein said content represents content stored in said staging area; and wherein the step (b) restores said stored content to said server (see col. 6, lines 8-31 and col. 10, lines 1-40).


Regarding to claims 8-20, claims recites similar subject matter as claim 1-7 and are rejected for the similar reasons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

Art Unit: 2142

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B Harvey can be reached on 571-272-3896. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kamini S Shah
Primary Examiner
Art Unit 2142

kss